THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.21819 of 2005

Dated 06.10.2005

BETWEEN:

B.S.Ch.Rao

…PETITIONER

and

The APSRTC, rep. By its Regional Manager, Visakhapatnam Region at Visakhapatnam and others

…RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.21819 of 2005

ORDER:

This writ petition is filed aggrieved by the order, dated 21.09.1993, passed by the second respondent imposing major penalty of deferment of annual increment for a period of one year with cumulative effect without conducting regular departmental enquiry.

According to the learned counsel for the petitioner, the said order passed by the second respondent imposing major penalty without conducting regular departmental enquiry is in contravention to the

judgment of the Supreme Court in **Kulwanth Singh Gill v State of Punjab** and therefore, the same is liable to be set aside.

The learned Standing Counsel appearing for the respondent-Corporation, however, contended that the petitioner has come up with the present writ petition after long lapse of time.

Heard both sides and considered the material available on record.

Admittedly, the second respondent imposed major penalty without conducting regular departmental enquiry which is in contravention to the judgment of the Supreme Court *supra*. However, as the petitioner approached this Court after long lapse of time, this Court is inclined to modify the order of imposing major penalty to one of minor penalty.

Accordingly, the impugned order is modified restricting the punishment of deferment of annual increment for a period of one year without cumulative effect. However, it is made clear that monetary benefits to which the petitioner is entitled to as a result of modification of the impugned order would be available to him only from the date of this order, but not for the period prior to this order. No costs.

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06.10.2005

VGB